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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,819	10/25/2001	Edward P. Campbell	01-1014	5915

7590 08/13/2008  
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EXAMINER
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MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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08/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/998,819	<b>Applicant(s)</b> CAMPBELL ET AL.	
	<b>Examiner</b> ADNAN M. MIRZA	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-11,13-15,17-19,21-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-11,13-15,17-19,21-23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,4-6,8-11,13-15,17-19,21-23,25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et al (U.S. 6,490,624) as and further in view of Sakakura (U.S. 20020019880).

As per claim 1,8 Sampson disclosed a method for controlling a plurality of communication sessions on a mobile terminal in a communication system, the method comprising: establishing a first voice over IP communication session at the mobile terminal; sending a signaling message to the mobile terminal indicating a second voice over IP communication session to be connected to the mobile terminal (col.3, lines 57-67); determining at the mobile terminal whether the second voice over IP communication session is accepted and the first voice over communication session is put on hold on the mobile terminal; and, if so, sending a policy management control message to a serving node associated with the mobile node (col. 18, lines 31-44),.

However Samson did not disclose in detail the policy management control message including instructions to intercept on the serving node a data flow associated with the first voice over communication session, and further to use an existing air interface associated with the first voice over IP communication session for communicating data associated with the second voice over IP communication session, wherein the air interface comprises multiple channels.

In the same field of endeavor Sakakura disclosed, “An IP packet transmitted from the control center 101 is received by the base station 105 by way of a LAN driver 305. Then, the IP packet received is transferred through a packet bridge 304, a virtual channel control section 306, a media access control section, and a wireless driver in the base station and then transmitted to a wireless terminal. A call control section, upon reception of a call request for the IP address from the control center by means of the MAC address, transmits a call message in reply by means of the Mac address by way of the virtual channel control section through the wireless (Page. 6, Paragraph. 0105)

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated an IP packet transmitted from the control center 101 is received by the base station 105 by way of a LAN driver 305. Then, the IP packet received is transferred through a packet bridge 304, a virtual channel control section 306, a media access control section, and a wireless driver in the base station and then transmitted to a wireless terminal. A call control section, upon reception of a call request for the IP address from the control center by means of the MAC address, transmits a call message in reply by means of the Mac address by

way of the virtual channel control section through the wireless as taught by Sakakura in the method and system of Samson to avoid the risk of losing data because of the interception as it travels over public airways or public wire-line infrastructures.

3. As per claims 2,9,14 Sampson-Sakakura disclosed a computer readable medium having stored therein instructions (Samson, col. 17, lines 57-65).

4. As per claims 15 Sampson- Sakakura disclosed wherein the second signaling message is sent from the mobile node to a signaling node, the method further comprising: sending a policy control message from the signaling node to a serving node associated with mobile node, wherein the policy control message includes instructions to intercept the first data flow and further to activate the second data flow on the air interface (Samson, col. 18. lines 31-44).

5. As per claims 4,10 Sampson- Sakakura disclosed wherein the step of intercepting data flow associated with the first voice over IP communication session comprises intercepting at a serving node the data flow associated with the first voice over IP communication session (Samson, col.3, lines 57-67).

6. As per claims 5,17,21 Sampson- Sakakura disclosed wherein the serving node comprises a packet data serving node (PDSN) or gateway general packet radio service support node (GGSN) (Samson, col.17, lines 45-57).

7. As per claims 6,11 Sampson- Sakakura disclosed wherein switching data flow associated with the second voice over IP communication session to the air interface channel comprises using an existing communication channel associated with the first voice over IP communication session for the data flow associated with the second voice over IP communication session (Sakakura, Page. 6, Paragraph. 0105).

8. As per claim 13,18,22 Sampson- Sakakura disclosed a method for controlling a plurality of communication sessions on a mobile node, the method comprising: communicating data associated with a first communication session on the mobile node; receiving a first signaling message on the mobile node, the first signaling message indicating a second communication session to be connected to the mobile node (Samson, col. 10, lines 41-60); notifying a user of the mobile node about the second communication session, wherein the user is notified using an identifier selected on the mobile node based on a data type associated with the second communication session; determining if the second communication session is accepted by the user (Samson, col. 14, lines 24-49); if so sending a second signaling message from the :mobile node, the second signaling message comprising instructions to put the first communication session on hold and activate the second communication session; intercepting a first data flow associated with the first communication session to the mobile node; and switching a second data flow associated with the second communication session to an air interface associated with the first communication session (Sakakura, Page. 6, Paragraph. 0105).

9. As per claim 19 Sampson- Sakakura disclosed wherein the air interface comprises a plurality of communication channels, and the network device is configured to terminate data communication associated with the first voice over IP communication session to the mobile node and further to switch the second voice over IP communication session to the air interface channel associated with the first communication session (Samson, col.3, lines 57-67).

10. As per claims 26 Sampson- Sakakura disclosed wherein the first voice over IP communication session is associated with a first communication channel over the air interface, and the serving node is configured to terminate data communication associated with the first voice over IP communication session and further to switch data communication associated with the second voice over IP communication session to the first communication channel (Samson, col. 9, lines 53-59).

11. As per claim 23 Sampson- Sakakura disclosed wherein the serving node comprises a packet data serving node (PDSN) or a gateway general packet radio service support node (GGSN), and the mobile node comprises a mobile node comprises a mobile router or a mobile client device (Samson, col.17, lines 45-57).

12. As per claim 25 Sampson- Sakakura disclosed wherein the serving node further configured to terminate communication of data associated with the first voice over IP communication session (Samson, col. 16, lines 58-64).

***Response to Arguments***

13. Applicant's arguments with respect to claims 1-2,4-6,8-11,13-15,17-19,21-23,25-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

15. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Adnan Mirza

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145